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Message Text

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ORIGIN NEA-10

INFO OCT-01 EUR-12 IO-13 ISO-00 FEA-01 ERDA-05 AID-05
CEA-01 CIAE-00 COME-00 EB-08 FPC-01 H-01 INR-07
INT-05 L-03 NSAE-00 NSC-05 OMB-01 PM-04 USIA-06
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CEQ-01 CG-00 DLOS-09 DOTE-00 EPA-01 FMC-01
JUSE-00 NSF-01 PA-01 PRS-01 /138 R

DRAFTED BY NEA/AFN:TSWILKINSON:PG
APPROVED BY NEA:ALATHERTON
INR/RGE:RSMITH (DRAFT)
IO/UNP:JLORENZ (DRAFT)
L/OES:DCOLSON (DRAFT)
L/UNA:AKRECZKO (DRAFT)
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P R 020358Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY TUNIS PRIORITY
INFO AMEMBASSY ALGIERS
AMEMBASSY CAIRO
AMEMBASSY LONDON
AMEMBASSY OSLO
AMEMBASSY PARIS
AMEMBASSY RABAT
AMEMBASSY ROME
AMEMBASSY TRIPOLI
USMISSION USUN NEW YORK
SECDEF
CINCUSNAVEUR
COMSIXTHFLT
EUCOM
USDOSOUTH NAPLES

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CINCUSNAVEUR, EUCOM PASS POLADS

E.O. 11652: GDS

TAGS: PFOR, PLOS, PBOR, LY, IT, TS

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SUBJECT: GUIDANCE FOR DISCUSSION WITH TUNISIANS ON SHELF DISPUTE WITH LIBYA

REF: (A) TUNIS 2049 (B) TUNIS 2050 (C) TUNIS 2107 (D) TUNIS 2108 (E) TUNIS 2163 (NOTAL) (F) TUNIS 2164 (NOTAL)

1. EMBASSY HAS REPORTED THAT ITALIAN RIG SCARABEO-4 REMAINS AT DRILLING SITE UNDER LIBYAN AUSPICES WITH QADHAFI PRESSING FOR IT TO RESUME OPERATIONS; THAT TUNISIANS CONSIDERING EXPLORATORY DRILLING 20-KMS. TO NORTH; AND THAT QADHAFI IS NOW ASSERTING JURISDICTION EVEN FURTHER NORTH OVER ISIS FIELD, OR AT LEAST PART OF IT. FOLLOWING IS OUR ANALYSIS OF THESE CLAIMS.

A. ALTHOUGH LIBYANS HAVE NEVER TO OUR KNOWLEDGE SPELLED OUT THEIR SHELF CLAIMS IN ANY FORM OTHER THAN BY GRANTING CONCESSIONS, AND WE HAVE ONLY APPROXIMATE COORDINATES ON EXTENT OF THESE CONCESSIONS, POSITION OF SCARABEO-4 IS CLEARLY IN AREA OF OVERLAPPING CONCESSIONS GRANTED BY TUNISIA AND LIBYA. HOWEVER, IT LIES ON TUNISIAN SIDE OF ALL BUT ONE OF FIVE HYPOTHETICAL SHELF BOUNDARY LINES

(APPLYING CERTAIN APPLICABLE PRINCIPLES OF LAW IN A VARIETY OF WAYS), BY BUTTES PETROLEUM LEGAL COUNSEL NORTHCUTT ELY IN 1976 OPINION.

B. POINTS IN ARC 20 KMS. TO NORTHWARD OF SCARABEO-4 WOULD STILL BE IN AREA OF OVERLAPPING CONCESSIONS, BUT WOULD LIE ON TUNISIAN SIDE OF ALL RPT ALL OF ELY VARIANTS
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OF BOUNDARY.

CM CENTER OF ISIS FIELD (PER REFTEL C) AND THREE ISIS FIELD WELLS THAT ARE SHOWN ON CHARTS HERE ARE ALSO ON TUNISIAN SIDE OF ALL ELY BOUNDARY LINE VARIANTS. MOREOVER, AS FAR AS WE CAN DETERMINE HERE, ISIS WELLS APPEAR TO BE SOME 10-20 MILES NW OF NORTHERNMOST LIBYAN CONCESSION AREA (L-1). WE ARE CONTINUING SEARCH FOR AUTHORITATIVE SOURCES ON LIBYAN CONCESSIONS, BUT AS OF NOW WE CAN SEE NO BASIS FOR QADHAFI'S ALLEGED DEMAND THAT TOTAL COMPANY SUSPEND ISIS ACTIVITIES. NOTING AMOCO'S PARTICIPATION WITH TOTAL IN ISIS EXPLORATION AND PROJECTED PRODUCTION, IT IS POSSIBLE THAT QADHAFI COULD TAKE ACTION AGAINST RESIDUAL MINOR AMOCO INTERESTS IN LIBYA, AS WELL AS AGAINST FRENCH AND ITALIAN INTERESTS.

2. AS A MATTER OF POLICY, U.S. DOES NOT TAKE SIDES ON LEGAL MERITS OF SHELF OR OTHER BOUNDARY DISPUTES IN WHICH WE ARE NOT PARTIES. AS IN PAST, WE WILL CONTINUE TO LIMIT

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OUR ADVICE TO PROVIDING TUNISIANS WITH ANSWERS TO TECHNI-
CAL QUESTIONS. HOWEVER, QADHAFI'S STATEMENTS AS REPORTED
BY EMBASSY TUNIS ARE CLEARLY PROVOCATIVE AND WE DO NOT
BELIEVE THAT INTERNATIONAL COMMUNITY SHOULD NECESSARILY
REMAIN NEUTRAL IN FACE OF AN ATTEMPT BY LIBYANS TO RESOLVE
DISPUTE BY THREAT OF FORCE.

3. SINCE QADHAFI HAS FOR THE MOMENT REJECTED ICJ ADJUDI-
CATION AND HAS THREATENED TO USE FORCE, WE BELIEVE TUNI-
SIANS HAVE A LEGITIMATE BASIS TO SEEK SECURITY COUNCIL
ACTION. U.S. POLICY IS TO SUPPORT RIGHT OF ANY UN MEMBER
TO BRING TO ATTENTION OF SC ANY DISPUTE OR SITUATION
WHICH MIGHT LEAD TO INTERNATIONAL FRICTION OR ENDANGER
THE MAINTENANCE OF INTERNATIONAL PEACE, AS PROVIDED FOR
IN CHAPTER VI OF UN CHARTER. IN THIS CASE, OUR INITIAL
JUDGMENT IS THAT SC DEBATE WOULD HELP TUNISIA BY BROADENING
INTERNATIONAL SUPPORT FOR WHAT APPEARS TO BE A REASONABLE
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AND RESTRAINED ATTITUDE AND PERHAPS BRING INTERNATIONAL
PRESSURE ON QADHAFI TO ADOPT A MORE CONCILIATORY POSTURE.

4. TUNISIANS SHOULD BE AWARE, HOWEVER, THAT CURRENT MEM-
BERSHIP OF SC IS SOMEWHAT WEIGHTED IN FAVOR OF RADICALS
IN AFRO-ARAB GROUPS--INCLUDING LIBYA ITSELF, BENIN, AND
MAURITIUS. USSR COULD ALSO BE A PROBLEM. FOR THIS REASON,
TUNISIANS SHOULD BE PREPARED, BEFORE TAKING MATTER TO SC,
TO CARRY OUT SOME CONCERTED LOBBYING WITHIN THE ARAB
CAUCUS AND WITH FRIENDLY AFRICANS TO DETERMINE PROSPECTS
FOR BROAD SUPPORT FOR THEIR POSITION. ALTHOUGH TUNISIANS
MIGHT WISH TO HAVE SC SPECIFICALLY RECOMMEND ICJ
ADJUDICATION, THIS MIGHT BE DIFFICULT TO ACHIEVE. SIMILAR
ATTEMPT BY GREECE IN LAST SUMMER'S AEGEAN DISPUTE WAS
UNSUCCESSFUL, EVEN THOUGH ICJ WAS ALREADY CONSIDERING ONE
ASPECT. RESULTING RESOLUTION CALLS ON PARTIES TO EXERCISE
RESTRAINT, REDUCE TENSIONS, TO RESUME BILATERAL TALKS,
AND TO TAKE INTO ACCOUNT THE CONTRIBUTIONS THE ICJ MIGHT
0E ABLE TO MAKE TO A SETTLEMENT OF LEGAL DIFFERENCES. THIS
OUTCOME HAD A CALMING EFFECT ON AEGEAN DISPUTE, AND
SIMILAR RESULTS MIGHT BE ACHIEVED IN CURRENT CONTROVERSY.

5. YOU SHOULD MAKE IT CLEAR THAT DECISION TO TAKE MATTER
TO SC IS FOR TUNISIA TO MAKE, IN LIGHT OF CONSULTATIONS
WITH ARABS, AFRICANS AND PERHAPS OTHER WESTERN MEMBERS OF
COUNCIL (UK, FRANCE, FRG, AND CANADA). AT SAME TIME YOU
MAY ASSURE TUNISIANS THAT, SHOULD GOT DECIDE TO GO TO SC,
WE WILL SUPPORTINSCRIPTION,STAY IN CLOSE TOUCH WITH
THEM AND BE AS HELPFUL AS POSSIBLE.
CHRISTOPHER

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Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
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